



O.P.No.370 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2023

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.370 of 2022

1.M.Saroja,
W/o.M.Balusamy

2.B.Vanitha, D/o.M.Balusamy,
W/o.Jayachandran

3.B.Iyalaraja,
Son of M.Balusamy

... Petitioners

PRAYER: Original Petition filed for Succession Certificate in respect of certain debts belonging to the deceased M.Balusamy under Part X of the Indian Succession Act 1925 Order XXV Rule 6 of the Original Side Rules, prays that a Succession Certificate may be granted to the Petitioners with powers to collect the debts and to receive the interest specified in the schedule hereto.

For Petitioners : Mr.M.Pitchairathinam

ORDER

The petitioners seek a succession certificate in relation to the debts described in the schedule to the petition.



2. The petitioners assert that the first petitioner is the wife of the late

M.Balusamy, the second petitioner is his daughter and the third petitioner is his son. The petitioners further state that M.Balusamy died intestate on 12.08.2019 by asserting that no Will was found in spite of a diligent search for the same. On the ground that he ordinarily resided within the jurisdiction of this Court, this petition is filed. According to the petitioners, they are the only surviving class I legal heirs of the deceased in view of the mother of the deceased having died on 02.08.2002. An affidavit affirmed on 31.01.2023 has been placed before this Court in this regard.

3. In order to establish entitlement to the relief claimed, the petitioners adduced evidence by examining the first petitioner as PW1. In course of her examination-in-chief, the 9 documents listed at the foot of this order were exhibited as Exs.P1 to P9. The death certificate of Balusamy (Ex.P4) discloses that he died on 12.08.2019. The legal heirship certificate in respect of M.Balusamy (Ex.P5) specifies the names of the three petitioners herein as the surviving class I legal heirs of the deceased. With regard to the debts in respect of which this petition is filed, the petitioner has placed on record a photocopy of the post office savings passbook and communications exchanged in such regard (Exs.P3, P6 to P8). Paper publication was effected (Ex.P9).



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4. Based on the assertions in the petition and evidence adduced in support thereof, the petitioners are entitled to the relief claimed.

Consequently, O.P.No.370 of 2022 is allowed by granting a succession certificate to the petitioners in respect of the debts described in the schedule to the petition. As a corollary, the petitioners are entitled to collect the debts, receive interest thereon and negotiate and transfer the same.

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Index : Yes / No

Petitioner's witness:

P.W.1 – Mrs.M.Saroja

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The photocopy of my Aadhaar card (Compared with the original).
Ex.P2	The photocopy of the Aadhaar card of the 3 rd petitioner (Compared with the original).
Ex.P3	The photocopy of the post office savings passbook bearing account No.136723729 standing in the name of M.Balasamy (Compared with the original).
Ex.P4	The computer generated death certificate of Balusamy.
Ex.P5	The computer generated Legal Heirship Certificate of



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<i>Exhibits</i>	<i>Documents</i>
	M.Balusamy
Ex.P6	The photocopy of the letter dated 14.10.2019 sent by me to the Post Master Grade – I, Vyasarpadi Branch.
Ex.P7	The photocopy of the application for closure of savings bank account by nominee (s)/Legal heir(s) dated 17.10.2019 sent by me to the Post Master, Vyasarpadi Branch.
Ex.P8	The computerized account statement downloaded on 01.12.2022 and issued by the Sub Post Master, Vyasarpadi Branch in respect of the post office savings account of M.Balusamy bearing account No.1367237429 showing the balance as Rs.4,51,862/- as on 04.09.2019.
Ex.P9	The copy of paper publication effected in one issue of Tamil daily “Dina Kural” dated 10.09.2022.

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WEB COPY



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